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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
9 -oOo-

10 UNITED STATES OF AMERICA,

2:16-mj-00575-NJK

11 Plaintiff,

Stipulation to Continue the  
Preliminary Hearing (*Third  
Request*)

12 vs.

13 REUBEN DELGADILLO,

14 Defendant.  
\_\_\_\_\_  
15 IT IS HEREBY STIPULATED AND AGREED, by and between DANIEL G.

16 BOGDEN, United States Attorney, and CRISTINA D. SILVA, Assistant United States  
17 Attorney, counsel for the United States of America, and JOSHUA TOMSHECK,  
18 Counsel for the Defendant, REUBEN DELGADILLO, that the preliminary hearing  
19 date in the above-captioned matter, currently scheduled for Tuesday, February 21,  
20 2017, at 4:00 pm, be vacated and continued for forty-five (45) days, to a date and time  
21 to be set by this Honorable Court.

22 This stipulation is entered into for the following reasons:

23 1. The parties have entered into a written plea agreement. The agreement  
24 has been filed with the Court. Additional time is needed for a change of plea to occur.

1  
2. The parties agree to the continuance.

3  
3. The defendant is not incarcerated and does not object to the continuance.

4  
4. Additionally, denial of this request for continuance could result in a  
5 miscarriage of justice.

6  
5. The additional time requested herein is not sought for purposes of delay,  
7 but to allow for the change of plea hearing to take place.

8  
6. The additional time requested by this stipulation, is allowed, with the  
9 defendant's consent under the Federal Rules of Procedure 5.1(d).

10  
11 7. This is the fifth request for a continuation of the preliminary hearing.

12  
DATED this 17th day of February, 2017.

13  
14 Respectfully submitted,  
15 DANIEL G. BOGDEN  
16 United States Attorney

17 //s//  
18 JOSHUA TOMSHECK, ESQ.  
Counsel for Defendant -  
DELGADILLO

19 //s//  
CRISTINA D. SILVA  
20 Assistant United States Attorney  
21  
22  
23  
24

1                   **UNITED STATES DISTRICT COURT**  
2                   **DISTRICT OF NEVADA**  
3                   **-oOo-**

4                   UNITED STATES OF AMERICA,

2:16-mj-00575-NJK

5                   Plaintiff,

ORDER

6                   vs.

7                   REUBEN DELGADILLO,

8                   Defendant.

9                   **ORDER**

10                  Based on the pending Stipulation of counsel, and good cause appearing  
11 therefore, the Court finds that:

12                  1.       The parties have entered into a written plea agreement and that  
13 additional time is needed for the change of plea to take place.

14                  2.       The parties agree to the continuance.

15                  3.       The defendant is not incarcerated and does not object to the continuance.

16                  4.       Additionally, denial of this request for continuance could result in a  
17 miscarriage of justice.

18                  5.       The additional time requested herein is not sought for purposes of delay,  
19 but to allow for the change of plea hearing to take place and the case to be resolved.

20                  6.       The additional time requested by this stipulation, is allowed, with the  
21 defendant's consent under the Federal Rules of Procedure 5.1(d).

22                  7.       This is the fifth request for a continuation of the preliminary hearing.

23                  For all of the above-stated reasons, the ends of justice would best be served by a

1 continuance of the preliminary hearing date.

2                   **CONCLUSIONS OF LAW**

3                   The ends of justice served by granting said continuance outweigh the best  
4 interest of the public and the defendant, since the failure to grant said continuance  
5 would be likely to result in a miscarriage of justice, would deny the parties sufficient  
6 time and the opportunity to allow for the Defendant to change his plea and the case set  
7 for sentencing, taking into account the exercise of due diligence.

8                   The continuance sought herein is allowed, with the defendant's consent,  
9 pursuant to Federal Rules of Procedure 5.1(d).

10                  **ORDER**

11                  IT IS THEREFORE ORDERED that the preliminary hearing currently  
12 scheduled for February 21, 2017, at the hour of 4:00 pm, be vacated and continued to  
13 April 17, 2017, at 4:00 p.m., in courtroom 3C.

14  
15 DATED 21st day of February, 2017.

16  
17   
18 THE HONORABLE NANCY J. KOPPE  
19 UNITED STATES MAGISTRATE JUDGE